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DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY
MEMORANDUM

MR: The attached papers were removed from the Secretary's briefing book prepared for the NSC Standing Group meeting on 19 December 1963. No receipt was given to OSA.

M. Davis

L. J. Survelland

Serial 0001031P60

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MEMORANDUM FOR THE SECRETARY OF DEFENSE

Subj: Close-in Surveillance of Cuba (TS)

Encl: (1) Perimeter Patrol Plan
(2) Legal Aspects
(3) Cuban Maritime Activities
(4) Cuban Aircraft Capable of Participating in Arms Traffic
(5) Rules of Engagement

1. A study has been made to indicate U. S. Navy capabilities to conduct a close-in surveillance of Cuban shipping to Latin American countries. The operational concept adopted for this study is a coordinated surface and air perimeter patrol, enclosure (1), to detect shipping from Cuba to Latin American countries. This plan would be implemented to establish surveillance, and also provide for stronger measures, ultimately including visit and search, if directed. Enclosure (2) outlines the legal aspects pertinent to this operation.

2. A wide range of craft (boats, ships, aircraft, submarines) can be employed for shipment of contraband. Enclosure (3) is the intelligence estimate of shipping activity in Cuban waters. Enclosure (4) lists Cuban aircraft capable of transporting arms.

3. Forces required would be as follows:

a. Close-in surveillance.

1 HUK Group (1 CVS, 7 DD)
1 DESRON (7 DD)
1 VPRON at Roosevelt Roads (Puerto Rico)
1 VPRON at Key West
1 Oiler

b. To establish an air surveillance and identification capability, forces of the magnitude of one AEW and one fighter aircraft squadron would be required.

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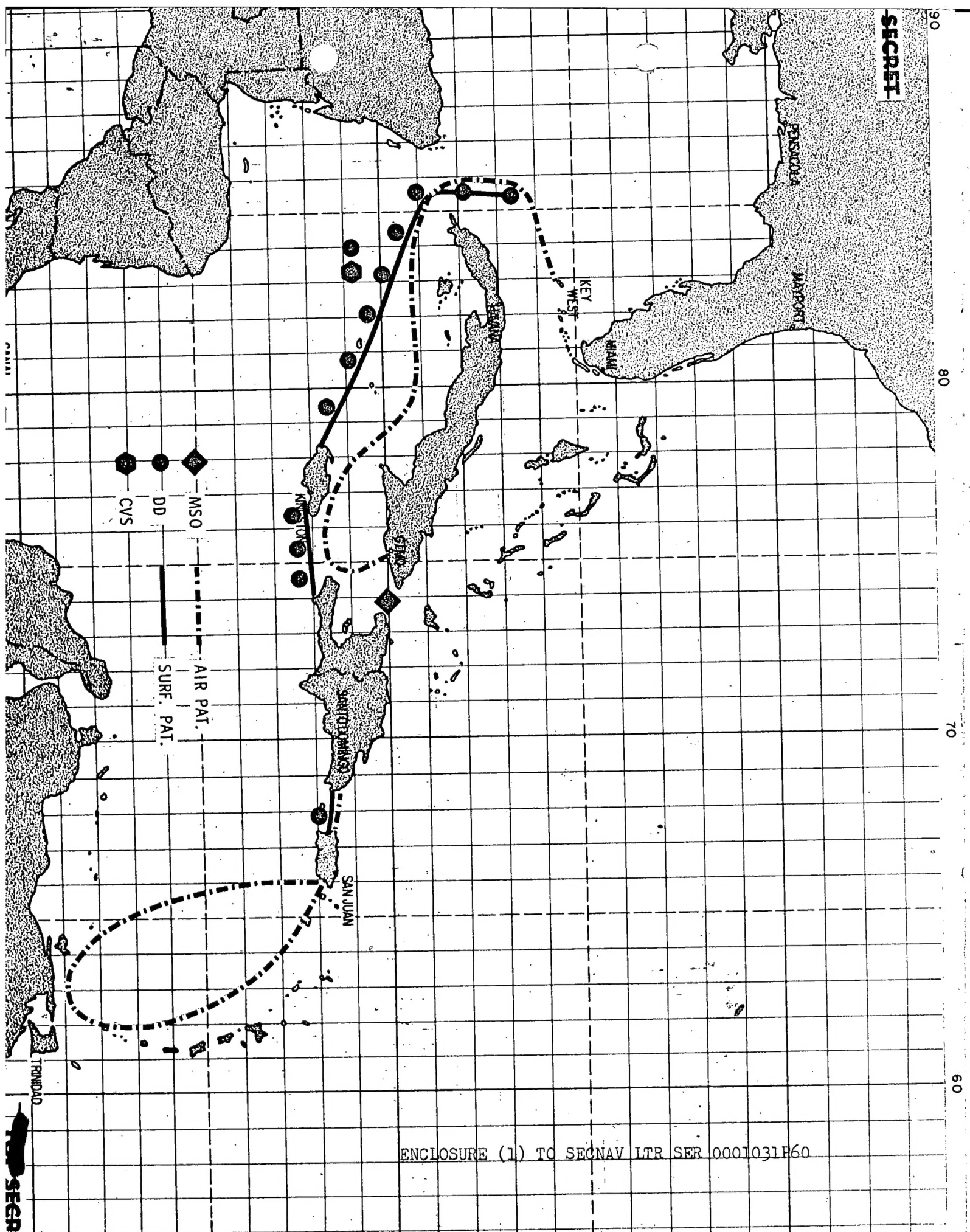
4. The forces in paragraph 3.a., above, would provide excellent detection of shipping outbound from Cuba to Latin America. Their capabilities for visiting and searching, trailing, and harassment would be limited, but could be improved, if shipping patterns were established. Rules of engagement are contained in enclosure (5).

5. In summary, the concept presented in this study would be most effective, if visit and search were authorized. Tracking and trailing of all suspected arms carriers would be difficult, if not impossible. However, tracking and trailing could be undertaken on a selective basis. The forces listed in paragraph 3.a., above, would be adequate over the short term. For long term operations a much larger force would become involved.

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Legal Background for Imposition of Close-In

Maritime Surveillance of Cuba

I. Actions which do not incur legal consequences

- A. Following suspected ships
- B. Approaching suspected ships
- C. Illuminating suspected ships at night
- D. Broadcasting locations, course, and speed of suspected ships.

II. Actions which require a legal basis

- A. Stopping and/or diverting
- B. Boarding
- C. Search
- D. Seizure of ship, cargo, or passengers
- E. Detention of ship

III. Legal Bases and availability

A. Rio Treaty - Art. III - Collective defense against aggression. Requires decision by OAS Organ of Consultation. OAS Council can be so constituted, but NFM is tentatively scheduled for April 1964 in Quito. International law does not require that the first blow be struck by an aggressor before measures of force in self defense may be employed.

B. Resolution II, 8th NFM, OAS, Punta del Este, January 1962 - Urges OAS member states to take appropriate steps in individual or collective self-defense against aggression, subversion, or other dangers to peace and security. (See A above for implementation procedures).

C. Quarantine - If precedent of 1962 is followed, OAS aegis would be necessary. Could be directed against subversive weapons vice offensive weapons. Quarantine is designed to deal with threat to peace, found to be such by regional arrangement having jurisdiction. By contrast, blockade has

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traditionally been carried out in wartime by belligerent in effort to secure maximum impact on enemy's economy.

D. Pacific Blockade

1. An effective denial by air and sea forces of the right of ingress and egress to and from ports of a specific country, laid only against ships of a blockaded country.

2. Legality questionable. If undertaken unilaterally but not on the grounds of self defense, is illegal. (Violates Art. 2 (3 and 4), UN Charter; Art I, Pact of Bogota). If undertaken by several states, or on grounds of self defense, is legal.

E. Piracy - available for use not but rationale would be thin. Piracy by definition is an illegal act committed for private ends, (See Hackworth, Dig. Vol II, Sect 203, subpara II page 682). It would be most difficult to visit and search a number of ships using this single justification.

F. Suspicion of Piracy - See E above.

G. Suspicion of flying false colors - See E above.

H. Suspicion of violating an international convention (ie., fishing, cables) - See E above.

IV. Other considerations

A. High seas - those water areas outside three miles.

B. Guantanamo - participation of the Naval Base in this type close-in surveillance of Cuba may hazard our treaty rights.

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I. Cuban Merchant Ship Inventory

A. Over 1,000 GRT:

	<u>No.</u>	<u>GRT</u>
Freighters	20	87,875
Tankers	2	4,579
Bulk	4	10,938
Total	26	103,392

B. Less than 1,000 GRT:

Tankers	3	2,212
Reefers	2	1,738
Total	5	3,950

Plus about 250 smaller vessels totaling approximately 20,000 GRT of which 50 are motorized coastal ships and 200 are schooners and small miscellaneous types.

II. Normal Operating Patterns - Cuban Merchant Marine

A. Over 1,000 GRT: Trade Routes (arrivals per month)

2 ships from Canada to Cuba
4 ships from the UK and Continent to Cuba
162 ships from British Guiana to Cuba
2 ships from Mexico to Cuba

B. Less than 1,000 GRT

Used entirely for cabotage trade, where there is a critical shortage at the present time. (No actual movement information available)

III. Cuban Fishing Fleet

A. Inventory

Total of 8,000 to 9,000 craft, approximately 3,500 of which are motorized

Oceangoing Fleet: 67 ships - 11,950 GRT

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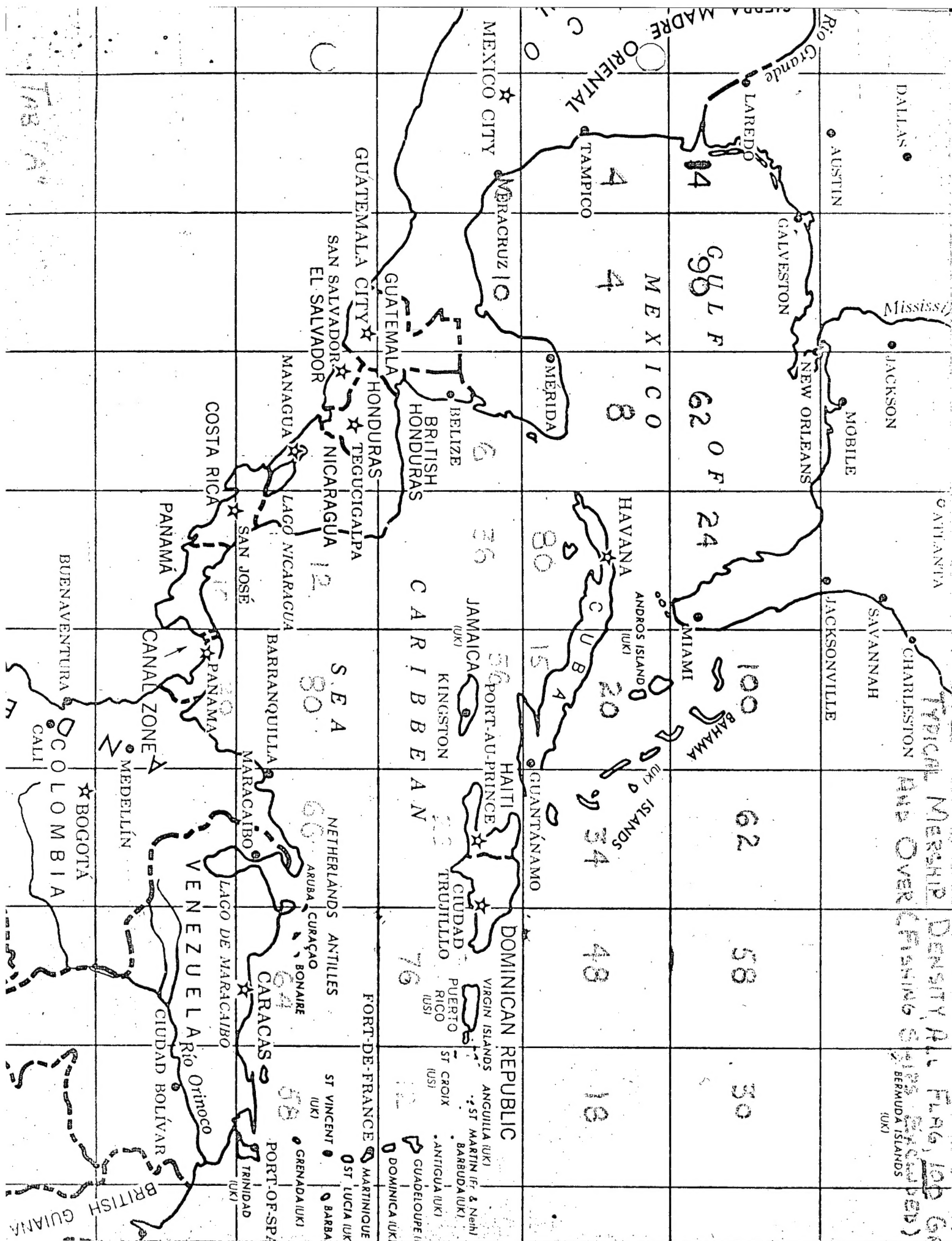
<u>Type</u>	<u>No.</u>	<u>GRT</u>
Wooden Schooners	60	10,000
Japanese-built	5	1,750
Polish-built	2	200
Total	67	11,950

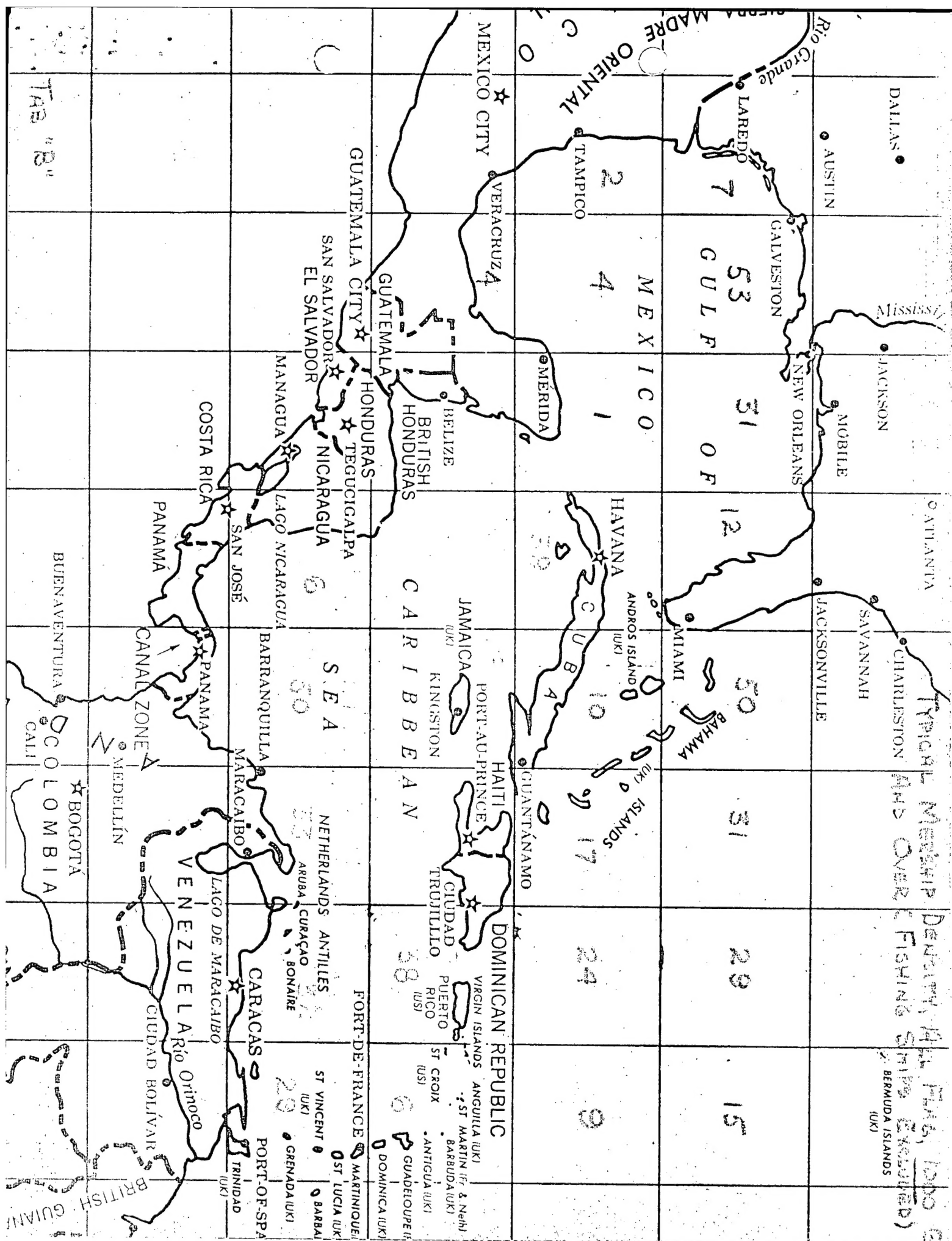
The above could conceivably make a round trip to Northern South America without difficulty. Of the approximately 3,500 motorized fishing boats, not over 500 are estimated as over 50 tons with some marginal capability to make a trip to Colombia/Venezuela.

B. Operations

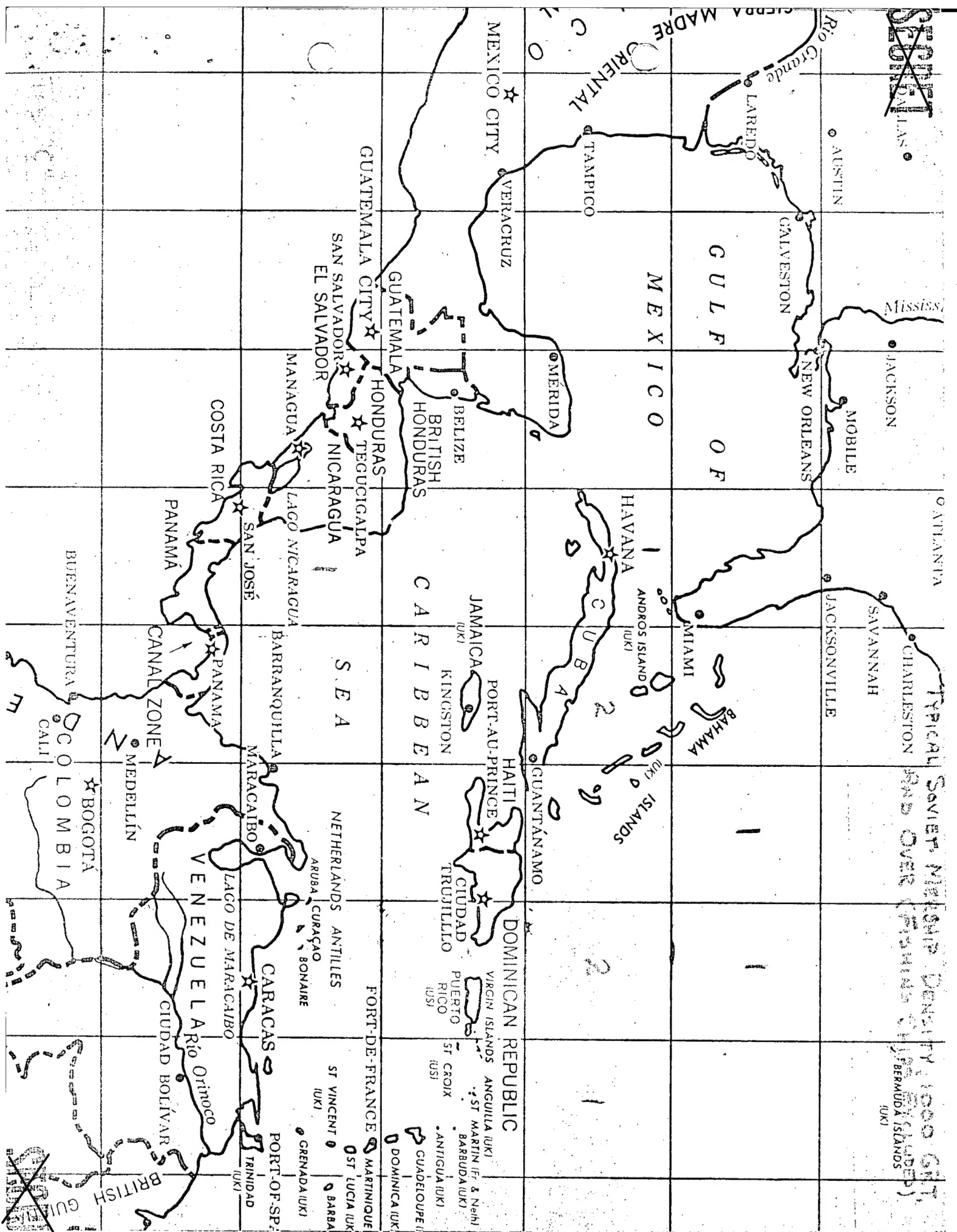
From the operational viewpoint, the port of Havana is the only Cuban port that is organized and equipped to provide adequate support and facilities for the bulk of the Cuban fishing fleet. All of the Cuban fishing vessels known operating on the high-seas outside Cuban waters operate from the port of Havana. However, many small fishing ports exist along the Cuban coast which are capable of servicing small coastal fishing craft.

The smaller Cuban fishing vessels limit their fishing activities to Cuban waters and in nearby waters of the Gulf of Mexico. The larger vessels have extended their activities into the Caribbean, into the South and Central Atlantic and, during the current fishing season, Cuban vessels are known to have ventured as far north as the Georges Banks fishing grounds. Their primary fishing grounds lie to the north and west of Cuba.





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APPENDIX A

CUBAN AIRCRAFT CAPABLE OF PARTICIPATING IN ARMS TRAFFIC

<u>Type</u>	<u>No.</u>	<u>Range</u> (Nautical Miles)	<u>Payload</u> (Lbs)	<u>Operational Run- way Requirement</u> (Feet)
An-2/Colt	10	950	3,000	1,148
L12/Cab	7	1,175	3,300	1,350
IL-14/Crate	11	1,400	4,750	1,550
IL-18/Coot	3	2,800	25,400	3,000
C-46	4	1,600	11,000	3,500
C-54	5	2,100	17,000	5,050
Constellation	3	3,100	17,300	4,775
Britannia	3	3,700	25,000	6,000

All can reach all Central American countries and Venezuela and Colombia without refueling. All but Colt can also reach the Guianas.

In addition, an estimated 40 to 50 light liaison-type aircraft with a cargo capacity of 250-500 pounds are capable of transporting arms to small fields in the Yucatan Peninsula.

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RULES OF ENGAGEMENT

A. THE FOLLOWING COMMUNICATION METHODS IN ORDER LISTED WILL BE USED IN CHALLENGING SHIPS AND DIRECTING THEM TO LIE TO FOR VISIT AND SEARCH:

- (1) CALL ON INTERNATIONAL CALLING AND DISTRESS FREQUENCY (500KCS) BY RADIO. USE INTERNATIONAL CODE SIGNALS (HO 87).
- (2) FLASHING LIGHT USING INTERNATIONAL CODE SIGNALS.
- (3) FLAG HOIST USING INTERNATIONAL CODE SIGNALS.
- (4) SPEAK TO THE SHIP USING BULL HORN OR MEGAPHONE.
- (5) FIRE WARNING SHOT ACROSS BOW IF SHIP DOES NOT HEAVE TO.

B. IF THE SHIP REFUSES TO STOP AFTER CARRYING OUT THE ABOVE STEPS AND IF SPECIFICALLY DIRECTED, IN EACH CASE, BY HIGHER AUTHORITY:

- (1) FIRE AN ADDITIONAL SHOT ACROSS THE BOW AND BY SPEAKING TO THE SHIP, WARN THAT THE NEXT SHOT WILL BE FIRED TO HIT.
- (2) FIRE NEXT SHOT, IF NECESSARY, TO HIT NON-CRITICAL SPOT WHERE PERSONNEL CASUALTIES WILL BE MINIMIZED.
- (3) IF SHIPS STILL REFUSES TO HEAVE TO USE MINIMUM FORCE REQUIRED TO BOARD AND SEIZE.

C. VISIT AND SEARCH.

- (1) CONDUCT EXAMINATION OF PERSONAL IDENTIFICATION PAPERS. TAKE INTO CUSTODY DESIGNATED INDIVIDUALS.
- (2) EXAMINE SHIP'S MANIFEST AND SEARCH SHIP FOR DESIGNATED SUSPECT MATERIAL.

(3) CONFISCATE SUSPECT MATERIAL OR REPRESENTATIVE PORTIONS THEREOF.

- (4) REPORT PRESENCE OF DESIGNATED INDIVIDUALS AND/OR SUSPECT MATERIAL.

(5) IF NOT PRACTICABLE TO SEIZE SUSPECT MATERIAL, PLACE PRIZE CREW ON BOARD AND REQUEST DESIGNATION OF PORT FOR DELIVERY OF SHIP.

- (6) PHOTOGRAPH AND RECORD ALL PHASES OF INCIDENT AS FEASIBLE.
- (7) IF NEITHER SUSPECT MATERIAL NOR DESIGNATED INDIVIDUALS ARE ONBOARD, PERMIT SHIP TO PROCEED.

THIS IS APPENDIX TWO TO ANNEX B - INSTRUCTION FOR AIR ENGAGEMENT.

1. GENERAL. CERTAIN AIRCRAFT, DETECTED IN THE CARIBBEAN OR ATLANTIC APPROACHES TO LATIN AMERICA MAY BE DESIGNATED FOR DIVERSION, EXCLUSION FROM A SPECIFIED COUNTRY OR, IF DIRECTED, FOR DESTRUCTION.

2. RULES OF ENGAGEMENT

A. FLY CLOSE FORMATION A BEAM. BREAK IN DIRECTION DESIRED FOR AIRCRAFT TO PROCEED.

B. ATTEMPT TO COMMUNICATE INSTRUCTION TO DESIGNATED AIRCRAFT ON INTERNATIONAL AERONAUTICAL EMERGENCY FREQUENCY FOR AIRCRAFT.

C. BUZZ AIRCRAFT APPROACHING FROM ASTERN, PASSING CLOSE ALONGSIDE AND BREAKING OFF IN DIRECTION DESIRED FOR AIRCRAFT TO PROCEED.

D. FIRE GUNS OR NON-HOMING ROCKETS FAR ENOUGH AHEAD OF AIRCRAFT TO PRECLUDE ACTUALLY HITTING IT. (MAKE MAXIMUM USE OF TRACER AMMUNITION). BREAK OFF PASSES IN DIRECTION IT IS DESIRED FOR AIRCRAFT TO PROCEED.

E. IF AIRCRAFT DOES NOT PROCEED AS DIRECTED AFTER CARRYING OUT STEPS A, B, C, AND D ABOVE, AND IF SPECIFICALLY DIRECTED BY HIGHER AUTHORITY IN EACH CASE, DESTROY IT.

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